IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10953 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DILIP @ DIPO KHEMAJI THAKOR

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR HH PATE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was detained as a dangerous person under the order of the Police Commissioner, Baroda City dated 4.9.2000 and he is presently at Bhavnagar District

Prison, Bhavnagar.

#. Challenging this order manifold contentions are raised by the learned counsel for the petitioner but as this petition deserves to be allowed only on one ground it is not necessary to refer all those contentions, discuss and decide.

#. It is not in dispute that none of the respondents has filed reply to the Special Civil Application.

#. One of the contentions raised is that the statements of privileged witnesses are verified by detaining authority on 3.9.2000 and order of detention is passed on the next day i.e. 4.9.2000 and this matter is squarely covered by decision of this court in the case of Ranubhai Bhikhabhai Bharwad (Vekaria) Vs. State of Gsujarat & Ors. reported in 2000(3) GLR 2696.

#. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner.

#. I find that statements of privileged witnesses were recorded on 14.8.2000, 14.8.2000 and 18.8.2000 respectively. These statements of the privileged witnesses were verified on 3.9.2000 by the detaining officer and on the next day the detention order has been passed. There is certainly no time gap between verification of the statements of privileged witnesses and order of detention. Reply to the Special Civil Application is not filed by the respondents and this factual aspect remains uncontroverted. This matter is squarely covered by the decision of this court reported in 2000(3) GLR 2696 (supra).

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 4.9.2000 is quashed and set aside. The petitioner Dilip @ Dipo Khemaji Thakor, the detenu, at present in Bhavnagar District Prison, Bhavnagar, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)
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